

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DOUGLAS E. GALLAGHER,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS, et  
al.,

Defendants.

CASE NO. C16-5088 RBL-KLS

ORDER DENYING APPLICATION  
TO PROCEED IN FORMA PAUPERIS  
AS MOOT

Plaintiff Douglas E. Gallagher is proceeding pro se in this action which was removed by defendants from Clallam County Superior Court. Dkt. 1. Plaintiff filed a second amended complaint (Dkt. 13) and asked the Court to serve the additionally named defendants with the second amended complaint and summons. Dkt. 16. Plaintiff was advised that the Court will serve a complaint but only after a prisoner has been granted leave to proceed *in forma pauperis* ("IFP"). Fed. R. Civ. P. 4(c)(3); *see* 28 U.S.C. § 1915. Dkt. 17.

On June 22, 2016, plaintiff submitted his IFP application. Dkt. 18. In the meantime, however, four of the five additionally named defendants filed waivers of service of the summons and complaint. Dkts. 19, 20, 21, and 22. Counsel for defendants confirms that a waiver of

1 service of the summons and complaint will shortly be filed for the remaining additionally named  
2 defendant.

3 Because service of the second amended complaint by the Court is no longer necessary,  
4 plaintiff's IFP application (Dkt. 18) shall be **denied as moot**.

5 Dated this 18<sup>th</sup> day of July, 2016.

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9 United States Magistrate Judge  
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